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May 27, 2011

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, DC 20554

Re: Notice of Oral *Ex Parte* Communication:

RM No. 11592 – Petition for Rulemaking Regarding 700 MHz Band
Mobile Equipment Design and Procurement Practices

WT Docket No. 11-18 – Applications of AT&T Mobility Spectrum LLC
and Qualcomm Incorporated for Consent to Assign Lower 700 MHz Band
Licenses

Dear Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. Section 1.1206, we hereby provide you with notice of an oral *ex parte* presentation by King Street Wireless, L.P. ("King Street") in connection with the above-referenced proceedings. The presentation occurred on May 26, 2011 in a meeting with Louis Peraertz, Legal Advisor to Commissioner Mignon Clyburn.

Attending the meeting on behalf of King Street was Tom Gutierrez, attorney for King Street.

King Street is a member of the "700 MHz Block A Good Faith Purchasers Alliance" ("Alliance")¹ that petitioned the Commission in September 2009 to require that mobile devices for the 700 MHz bands be capable of operating on all paired frequency

¹ The Alliance is a joint venture consisting of King Street, Cellular South Licenses, Inc., Cavalier Wireless, LLC and Continuum 700, LLC, each of which is a licensee of Lower 700 MHz Band Block A spectrum.

blocks in the 700 MHz bands, and that equipment authorization be suspended until rules to this effect are in place.² Now that comments have been received on that petition it was requested that the Commission issue a rulemaking notice promptly to assure that devices have capability to operate on frequency blocks licensed to other carriers with compatible networks in the Lower and Upper 700 MHz bands, including public safety spectrum.

King Street also urged that the Commission condition any grant the applications for assignment of 700 MHz licenses from Qualcomm to AT&T in order to preclude anticompetitive 700 MHz equipment design and procurement practices which exclude Lower 700 MHz Band, Frequency Block A capability in LTE wireless devices that it offers to subscribers. Specifically, AT&T should be required to support Band Class 12 wireless devices and not Band Class 17 devices. It was urged that this condition become effective no later than the end of calendar year 2011.

Sincerely,



Thomas Gutierrez

cc: Commissioner Mignon Clyburn (by email)
Louis Peraertz (by email)
Best Copy and Printing, Inc. (by email)

² Petition for Rulemaking Regarding the Need for 700 MHz Mobile Equipment to be Capable of Operating on All Paired Commercial 700 MHz Frequency Blocks, RM No. 11592, filed Sept. 29, 2009.